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SENATE

REPORT
101-308

MAINE ACADIAN CULTURE PRESERVATION ACT

JUNE 7 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1756]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1756) to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 3, line 11, strike "historic,".

2. On page 3, lines 13 and 14, strike "Secretary." and insert in lieu thereof, "Secretary who shall have expertise in historic or cultural preservation.".

3. On page 3, lines 15 through 19, strike subsection (b) in its entirety and insert in lieu thereof:

> (b) TERMS.—(1) Members of the Commission shall be appointed for a term of 3 years, except for initial appointments as provided in paragraph (2).
>
> (2) Members of the Commission initially appointed pursuant to paragraphs (1), (2) or (3) shall serve a term of 1 year. Members of the Commission initially appointed pursuant to paragraphs (4) or (6) shall serve a term of 2 years.
>
> (3) Any member of the Commission may serve after the expiration of his or her term until a successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

4. On page 4, line 9, strike "20" and insert in lieu thereof, "10".

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5. On page 4, line 13, strike "may be" and insert in lieu thereof, "the Director deems is".

6. On page 5, lines 7 and 8, strike "may provide" through the end of the sentence and insert in lieu thereof,

> "may mark, interpret, restore, and/or provide technical assistance for the preservation of such properties and pursuant to which the Secretary may provide assistance including management services and program implementation."

7. On page 5, line 22, strike "establish" and insert in lieu thereof, "provide".

8. On page 6, line 16, strike "properties acquired" and insert in lieu thereof, "the property acquired pursuant to this section".

9. On page 6, strike lines 18 through 21 in their entirety and insert in lieu thereof, of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1 et seq.), the Act of August 21, 1935 (49 Stat. 666), as amended (16 U.S.C. et seq.), this Act and other statutory authority providing for the conservation and management of natural, historical and cultural resources".

10. On page 6, line 22, strike section 7 in its entirety and insert in lieu thereof:

> SEC. 7. AUTHORIZATION OF APPROPRIATIONS
>
> (a) For the purposes of carrying out the functions of the Commission, there are hereby authorized to be appropriated such sums as may be necessary, not to exceed $250,000.
>
> (b)(1) To carry out the other purposes of this Act, there are hereby authorized to be appropriated such sums as may be necessary, subject to the limitations of paragraph (2).
>
> (2) With respect to cooperative agreements entered into pursuant to section 5, and the provisions dealing with the Acadian Cultural Center in subsections 6 (a) through (c), the Secretary is authorized to expend not more than 50 percent of the aggregate cost of performing those functions, the remainder of such costs to be provided by non-Federal funds.

PURPOSE OF THE MEASURE

The purposes of S. 1756, as ordered reported, are to establish the Maine Acadian Culture Preservation Commission, authorize the Secretary of the Interior to enter into cooperative agreements for the preservation of properties of natural, historical or cultural significance associated with the Acadian people in Maine, and establish a center for the preservation, perpetuation and interpretation of Acadian culture.

BACKGROUND AND NEED

In 1605, 16 years prior to the landing of the Pilgrims at Plymouth Rock, French settlers established the village of Port Royal on Cape Breton Island, in what is now the Canadian Province of Nova Scotia.

Port Royal and other settlements in Nova Scotia, New Brunswick, Prince Edward Island and the northern portion of Maine

were part of the French-ruled region known as Acadia. The region was also claimed by the British, as part of the colony of Nova Scotia. Both England and France battled for control of the area up through the early part of the 18th century.

In 1713, France ceded Acadia—with the exception of Prince Edward and Cape Breton Islands—to England. Although England allowed the Acadians to continue with their lifestyle, the British attempted several times to make the Acadians swear allegiance to Great Britain. Those attempts were unsuccessful, and by the 1750's the British Government changed policies and began removing most of the Acadians from the region.

Between 1750 and 1763 over 10,000 Acadians were deported, either to the American colonies or back to Europe. Their houses and farms were destroyed by British troops and British settlers took their place in Nova Scotia. Many of the deported Acadians eventually settled in Louisiana.

In 1756, a small group of deported Acadians returned to their former homes near the mouth of the St. John River, which forms the border between Maine and New Brunswick. They faced renewed pressure by the British, but finally settled in the upper region of the St. John River valley, in northern Maine, around 1785. The descendants of those Acadians still live in the area.

S. 1756 would provide a means to preserve and interpret a portion of this unique culture.

LEGISLATIVE HISTORY

S. 1756 was introduced by Senators Mitchell and Cohen on October 16, 1989. A hearing was held before the Subcommittee on Public Lands, National Parks and Forest on March 28, 1990.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered S. 1756, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1756, if amended as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman *	
Mr. Wirth	
Mr. Conrad *	
Mr. Heflin *	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure *	
Mr. Hatfield *	

Mr. Domenici
Mr. Wallop
Mr. Murkowski
Mr. Nickles
Mr. Burns
Mr. Garn *
Mr. McConnell *

* Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1756, the Committee adopted several amendments.

Five of the amendments pertain to the Maine Acadian Culture Preservation Commission established in section 3. Amendment 1 is a technical amendment. Amendment 2 clarifies that the member of the Commission appointed by the Secretary must have expertise in historic or cultural preservation. Amendment 3 restructures the length of the terms of Commission members initially appointed, to provide for a staggering of terms. Amendment 4 changes the duration of the Commission from 20 years to 10 years. Amendment 5 amends subsection 3(g) to allow the Director of the National Park Service discretion to determine the necessary level of staff support and technical services to provide for the Commission.

Amendment 6 modifies section 5, which authorizes the Secretary to enter into cooperative agreements with private landowners. The amendment authorizes the Secretary to "mark, interpret, restore, and/or provide technical assistance for the preservation of such properties." The amendment also allows the Secretary to provide assistance including management services and program implementation.

Amendment 7 is a clarifying amendment to section 6. As amended, the section authorizes the Secretary to provide an Acadian Cultural Center. As introduced, S. 1756, authorized the Secretary to establish a center. The amendment clarifies that the Secretary may either construct a facility or develop the center in cooperation with other entities, including using an already existing facility.

Amendment 8 clarifies that the only property the Secretary is authorized to acquire pursuant to this Act is the 20 acres for the Acadian Cultural Center.

Amendment 9 provides that the Secretary is to administer the cooperative agreements and the Acadian Cultural Center in accordance with the National Park Service Organic Act, the Historic Preservation Act of 1955, and other applicable laws.

Amendment 10 modifies section 7, which authorizes appropriations. The amendment provides that $250,000 are authorized to be appropriated for the purpose of carrying out the functions of the Commission, and such sums as may be necessary are authorized for the purposes of the Act, except that with respect to cooperative agreements and subsections 6 (a), (b), and (c) dealing with the Acadian Cultural Center, the Federal Government is limited to providing not more than 50 percent of the aggregate costs.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "Maine Acadian Culture Preservation Act".

Section 2 lists the purposes of the bill, which include recognizing the contribution made to American history and culture by the Acadian immigrants from France, assisting State local governments and private entities in Maine in interpreting the Acadian history, and assisting in the identification and preservation of sites and objects associated with Acadian culture.

Section 3 establishes the Maine Acadian Culture Preservation Commission (the Commission).

Subsection (a) directs the Secretary of the Interior (the Secretary) to appoint 8 members to the Commission within 6 months after the date of enactment of the Act. The members are to be appointed as follows:

One member (to serve as the Chairman) from among recommendations of the Governor of the State of Maine;

One member from among recommendations of the Speaker of the Maine House of Representatives;

One member from among recommendations of the President of the Maine Senate;

One member from among recommendations of the Chancellor of the University of Maine System;

Three members from among recommendations submitted by State and local historic or cultural preservation organizations; and

One member, appointed by the Secretary, who shall have expertise in historic or cultural preservation.

Subsection (b) provides that members of the Commission are to serve terms of three years. To allow for a straggering of terms, the members of the Commission initially appointed from the recommendations of the Governor, Speaker of the House and President of the Senate are to serve a term of one year. The member initially appointed from among the recommendations of the Chancellor and the member initially appointed by the Secretary are to serve a term of two years. All members of the Commission subsequently appointed are to serve a term of three years.

Paragraph (2) states that any member of the Commission may continue to serve on the Commission after the expiration of his or her term until a successor is appointed. The paragraph further provides that all subsequent Commission appointments are to be made in the same manner in which the original appointment was made.

Subsection (c) allows the Commission to act upon an affirmative vote of a majority of its members.

Subsection (d) provides that no members of the Commission are to be compensated, other than to receive travel and per diem expenses when away from home in the performance of services for the Commission.

Subsection (e) exempts the Commission from section 14(b) of the Federal Advisory Committee Act, requiring the Commission's charter to be renewed every two years.

Subsection (f) states that the Commission shall terminate ten years after the date of enactment of this Act.

Subsection (g) directs the Director of the National Park Service to provide staff and technical services as the Director deems is necessary to carry out the functions of the Commission.

Section 4 details the duties of the Commission, which are to advise the Secretary with respect to the selection of sites for interpretation, preservation and development and the development and implementation of a comprehensive interpretive program of the Acadian culture in Maine pursuant to section 6.

Section 5 authorizes the Secretary, after consulting with the Commission, to enter into cooperative agreements with the owners of properties of natural, historical or cultural significance associated with Acadian culture. The Secretary is authorized to mark, interpret, restore, and/or provide technical assistance for the preservation of such properties. The Secretary is also authorized to provide management services and program implementation pursuant to the cooperative agreements.

Subsection (b) provides that each cooperative agreement shall provide that the National Park Service has a right of access at all reasonable times to all public portions of the property covered by the agreement, for public interpretation and visitation.

Subsection (c) makes clear that each cooperative agreement shall provide that no changes or alterations shall be made to the property covered by the agreement except by mutual agreement between the Secretary and the property owner.

Section 6(a) authorizes the Secretary, after consultation with the Commission, to provide a center for the preservation and interpretation of Acadian culture in Maine.

Subsection (b) authorizes the Secretary to acquire lands and interests therein for the site for the Center, not to exceed 20 acres.

Subsection (c) authorizes the Secretary to contract with public and private entities for the operation of the center.

Subsection (d) directs the Secretary to develop and implement a comprehensive interpretative program of the Acadian culture in Maine.

Subsection (e) provides that the Secretary is to administer the property acquired for the Acadian Cultural Center, (if any property is acquired) and cooperative agreements entered into pursuant to this Act in accordance with the National Park Service Organic Act of 1916, the Historic Preservation Act of 1935, and other applicable statutory authority.

Section 7(a) authorizes the appropriation of $250,000 for the purpose of carrying out the functions of the Commission.

Subsection (b) authorizes the appropriation of such sums as may be necessary to carry out the other purposes of the Act, except that with respect to the provisions in section 5 concerning cooperative agreements and subsections 6 (a), (b) and (c) dealing with the Acadian Cultural Center, the Secretary is authorized to expend not more than 50 percent of the aggregate cost of performing those functions.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 1, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1756, the Maine Acadian Culture Preservation Act, as ordered reported by the Committee on Energy and Natural Resources on May 23, 1990. CBO estimates that implementation of this bill would cost at least $1 million, and possibly several million dollars, over the next five years, depending on how it is carried out.

S. 1756 would require the National Park Service (NPS) to develop and implement a comprehensive interpretive program on the Acadian culture in Maine. The bill would establish an 8-member Maine Acadian Culture Preservation Commission to advise the NPS on the program and on the selection of local properties to preserve and interpret under cooperative agreements, as authorized by Section 5 of the bill. Section 6 would authorize certain federal activities related to the creation of an Acadian culture center, including possible acquisition and/or construction of appropriate facilities as well as ongoing center operation and maintenance.

Finally, Section 7 of the bill would authorize the appropriation of whatever funds are necessary for these purposes, including up to 50 percent of all costs incurred to carry out cooperative agreements under Section 5 and to create and operate the Acadian center under Section 6. For the commission, up to $250,000 would be authorized to cover travel and related expenses over that body's 10-year life.

Assuming appropriation of the necessary sums, CBO estimates that the NPS would spend about $1 million over the next two or three years to develop and implement the interpretive program mandated under Section 6. In the absence of specific plans for the Acadian cultural center, costs to carry out other provisions of the bill cannot be estimated as precisely. Depending on the alternative chosen by the NPS and the availability of nonfederal matching funds, federal costs could range from insignificant (to house an interpretive program in an existing federal or nonfederal facility) to as much as several million dollars (to locate, design and construct a dedicated building). Annual costs to operate center facilities or provide services under cooperative agreements also would depend on the level of federal and local participation.

CBO estimates that the Maine Acadian Culture Preservation Commission would spend about $25,000 a year to carry out its responsibilities, assuming appropriation of the necessary sums.

Enactment of S. 1756 would have no impact on the budgets of State or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1756. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1756, as reported.

EXECUTIVE COMMUNICATIONS

On March 6, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 1756. These reports had not been received at the time the report on S. 1756 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JAMES RIDENOUR, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR—MARCH 28, 1990

Mr. Chairman, I appreciate the opportunity to provide your subcommittee with the views of the Department of the Interior on this legislation.

We oppose enactment of S. 1756. The bill would effectively create new units of the National Park System that have not been the subject of formal new area studies conducted pursuant to Park Service Management Policies. The President has stated that completion of such a study should be a prerequisite to establishment of any new park unit.

S. 1756 would authorize the Secretary of the Interior to enter into cooperative agreements with owners of properties of natural, historical, or cultural significance to provide management services and program implementation. The Secretary is further authorized to establish a center for the preservation, perpetuation, and interpretation of Acadian culture in the State of Maine, including the acquisition of up to 20 acres for the center.

The center and cooperative agreements are to be administered under the provisions of the Act of August 25, 1916, which established the National Park Service, making them, in effect, units of the National Park System.

Such funds as may be necessary are authorized, however Federal funds must be matched equally by non-Federal funds to implement the cooperative agreements and the development of the Acadian culture center.

The Acadian culture in Maine is an important aspect of the history of this country, and has not been studied by the National Park Service. We have little information on the sites which may be interpreted, or their condition.

The bill would recognize an important contribution made to American culture and history by the Acadian immigrants from France who settled in Nova Scotia, and following expulsion by the British in 1755, resettled in various North American colonies, including the territory that eventually became the State of Maine.

S. 1756 establishes a Maine Acadian Culture Preservation Commission consisting of eight members appointed by the Secretary of Interior, from recommendations submitted by the Governor of Maine, the Speaker of the House of Maine, the President of the Senate of Maine, the Chancellor of the University of Maine System, three from recommendations of the State and local historic, cultural, or historic preservation organizations, and one member to be chosen by the Secretary of Interior.

The Commission would advise the Secretary with respect to the selection of sites for interpretation, preservation, and development, and the development and implementation of a comprehensive interpretive program of Acadian culture in the State of Maine.

We urge the Subcommittee to defer action on this bill. This proposal to identify Acadian culture sites in Maine has not been determined to be a priority for the use of our limited study funds. The National Park Service is in process of developing a list of priority studies nationwide, and we will certainly consider the study of the Maine Acadian culture sites among others considered for priority status. We intend to develop our program through discussions among our professional staff and within the Administration. We also wish to work with Congress to achieve consensus on methodology for setting study priorities. We want to be assured that our limited dollars are allocated to the most important natural and cultural resources.

We further note, that by requiring that we identify sites for possible inclusion in the Park System, the bill may preclude or defer investigation of other possibilities for regional or state level alternatives for resource protection.

Finally, we note that there are no funds included within the FY 1991 budget to implement this legislation.

Mr. Chairman that concludes my testimony. I would be pleased to answer any question you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1756, as ordered reported.

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